



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003131
Applicant Name: Trinh Nguyen for Van-Hanh Buddhist Association
Address of Proposal: 4837 South Fontanelle Street

SUMMARY OF PROPOSED ACTION

Land Use Permit to approve a 1,750 sq. ft. addition to an existing religious facility (Van Hanh Buddhist Association).

The following approvals are required:

Administrative Conditional Use Permit - to allow expansion of an institution in a single family zone. (Seattle Municipal Code 23.42.022)

SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The subject property is split zoned. The western portion of the site is zoned Single-Family Residential with a minimum lot size of 5,000 square feet (SF 5000). The remainder of the site is zoned Multi-

Family Residential Lowrise 3 (L-3). The proposal site contains steep slope and liquefaction prone environmentally critical areas along the east property line. The site is located on the south side of South Fontanelle Street between Rainier Avenue South and 48th Avenue South. South Fontanelle Street is a two-way paved street without curbs, gutters, or sidewalks at the site location. The proposal site is developed with a two-story Buddhist Temple with offices, meeting rooms, meditation rooms, and an assembly room in a converted single-family residence structure. There is also a detached garage proposed for demolition, a courtyard with a gazebo structure to the east of the temple, an unheated 26-foot by 12.5-foot storage building at the southwest corner of the site, and 26 surface parking spaces to the south.

Area Development

Zoning and development in the vicinity is a mix of single- and multi-family residential. Multi-Family Residential Lowrise 3 (L-3) zone extends to the east, north and south of the site. Single-Family Residential 5000 (SF 5000) zone extends to the west of the site. The L-3 zoned lots to the east, north, and south are developed with apartment complexes.

Proposal Description

The applicant proposes to construct a 1,750 square foot one story assembly building with classrooms at the center of the site between the Temple and the surface parking area. The building will be used to hold special events and offer language classes to K-12 students on weekends.

Public Comments

No comment letters were received during the public comment period which ended on September 7, 2005.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT

The proposal site is split zoned. Religious facilities are permitted outright in multi-family residential zoned lots if the development meets development standards of SMC 23.45.092 through 23.45.102. The proposal meets all development standards of the multi-family residential zone. New or expanding institutions in single family zones may be permitted by Administrative Conditional Use Permit when the proposal meets development standards set forth in SMC 23.44.008 through 23.44.016 and the following criteria:

Dispersion

The lot line shall be located 600 feet or more from any lot line of any other institution in a residential zone.

There is an established institution owned by Good Shepherd Church, located to the west of the intersection of South Garden Street and Rainier Avenue South, which is within 600 feet of the proposal site. SMC 23.44.022.E.1.b allows for a proposed institution to be located less than 600 feet from the lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements which provide a substantial separation from other institutions. The Good Shepherd Church on South Garden Street is over 500 feet away from the Buddhist Temple and separated by a City block which serves as a physical barrier and provides a substantial separation between the existing institution and the proposed institution. Therefore, the dispersion criterion is met. Furthermore, since the lot line of the institution is not changing, dispersion is not relevant criterion for this application.

Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for institutional parking.

No residential structures will be demolished under the proposal, and the construction of a new assembly and classroom building is not to provide institutional parking.

Reuse of Existing Structures

Existing Structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

The proposed assembly and classroom building will be a new structure and will provide the required 10 foot setback from the west property line and 65 feet from the east property line, so no reuse of an existing structure will occur under this permit.

Noise and Odors

The proposed institution must operate in compliance with the Noise Ordinance, Chapter 25.08. In addition, mitigation should be provided for potential noise and odor impacts from the proposal.

The new temple structure is set approximately 100 feet back from South Fontanelle Street, and 50 feet away from the apartment to the east. The temple site is at an elevation higher than the apartment structure at the top of a tall rockery wall. All activities will be held indoors to reduce noise impacts. The temple structure is closed after sundown to worshipers except for special events which are held several times a year. The proposal can potentially increase noise levels during classes and special events. The applicant has indicated that classes will be held on Saturdays and Sundays between the hours of 9:00 AM and 5:00 PM. Loud, raucous, and frequent, repetitive, or continuous sounds made

by the amplified or unamplified human voice between the hours of 10:00 PM and 7:00 AM are considered to be public disturbance noises. Classes and special events would not be held between the hours of 10:00 PM and 7:00 AM. All other noise generated at the proposed institution will be temporary and typical of noise generated by residential homes. Therefore, the proposed institution is in compliance with the Noise Ordinance. The applicant proposes additional landscaping and fencing along the property lines to mitigate for potential noise and odor impacts.

Landscaping

Landscaping shall be used to integrate the institution with adjacent areas, reduce erosion and coverage of impervious areas, screen parking from adjacent residentially zoned lots or streets, and reduce the appearance of bulk. The species should be compatible with the surrounding flora, and the landscaped areas should have a long term maintenance plan.

The proposal site is landscaped with grass, shrubs, and trees, which are typically found in a residential neighborhood. The site was landscaped under the previous Master Use Permit which changed the use of a single family residence to a Buddhist Temple. However, a landscape plan shall be submitted prior to issuance of the MUP showing replacement landscaping in the west side yard of the proposed assembly building to soften the appearance to the adjoining property.

Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots, and mitigation may be necessary to help reduce glare.

There would be a slight increase in light and glare emanating from the windows of the proposed structure. However, this small increase is not expected to significantly impact adjoining properties.

Bulk and Siting

Institutions permitted as conditional uses in single family zones must meet the development standards of the single family zone and no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than 10 feet to the side lot line.

The addition is situated behind the existing temple away from the street against the west property line and away from the neighboring apartment building to the east. The single family residence to the west is owned by the same Buddhist association and there are plans to apply for a Master Use Permit to convert it to a religious facility. The single story structure will cover 3,500 square feet. A ten foot setback would be provided along the west property line and there is a ten foot separation between the new addition and the existing temple. Landscaping is provided to screen the parking along the east, west, and south property line. Landscaping will be required between the new structure and the west property line.

Parking and Loading Berth Requirements

Describe the estimated demands for parking and loading for the proposed development and how the design proposes to reduce the use of single occupancy vehicles.

The proposed assembly building will generate additional parking demand. The required number of parking spaces for the entire site is 33 spaces. A total of 33 parking spaces will be provided including a handicap van parking space. Bike racks will be provided to encourage the use of public transportation and non-motorized transportation. Religious facilities are low demand uses and do not require a loading berth if the project is less than 40,000 square feet of aggregate gross floor area. The proposed project is below this threshold and does not require a loading berth. Therefore, the parking and loading berth requirements are met.

Transportation Plan

SMC 23.44.022M requires a transportation plan. There is three staff on site during the day and a maximum of approximately six visitors per day. A maximum of approximately seven vehicles travel to and from the proposed institution. On Sundays, a maximum of approximately 14 vehicles travel to and from the proposed institution for services and meetings. Offstreet parking is available for up to 33 vehicles and parking overflow onto the street is not expected. Adequate screening via landscaping and fencing is provided. Additionally, adequate public transportation service is available to the site on Rainier Avenue South. The associated impacts will be minor and applicable city codes adequately address these impacts.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application to expand an institution is **CONDITIONALLY GRANTED.**

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated August 25, 2005) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood

plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. No further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

Long - Term Impacts

Increased noise levels could be expected from additional activity on the site. Occasional cooking odors could be expected but are not anticipated to be significant. Light and glare from automobile headlights could increase slightly, but no mitigation will be required.

Height, Bulk, and Scale

The proposed one story 3,500 square foot assembly building would be located ten feet from the single family residence to the west. It would be situated at the center of the lot between the existing temple to the north and the surface parking lot to the south and east. Therefore, no adverse impacts are anticipated related to height, bulk, and scale and no mitigation will be required.

Earth

A geotechnical report was submitted with this application. Conclusions and recommendations were made regarding the liquefaction potential, the steep slope area, and the footing design parameters. An environmentally critical areas limited exemption was approved based on the report which demonstrated that granting the exemption will not result in adverse impacts on the site or adjacent sites. The site slopes gently to the east with the exception of a rockery along the eastern property boundary that slopes steeply down to the parking lot of the adjacent apartment building. The rockery is protecting a cut slope which was excavated for the construction of the adjacent apartment complex. The slope is covered with grass, shrubs, blackberries, and other natural vegetation along the east side of the site and is mapped as an environmentally critical area due to a 40 percent steep slope and a liquefaction zone. No mitigation of earth impacts will be required.

Traffic and Transportation

There is three staff on site during the day and a maximum of approximately six visitors per day. A maximum of approximately seven vehicles travel to and from the institution. On Sundays, a maximum of approximately 35 people in 14 vehicles travel to and from the proposed institution for services and meetings. Offstreet parking is available for 33 vehicles and overflow onto the street is not expected. On weekdays the worshipers tend to use the facility individually and privately at varying hours rather than as a group. The new assembly building will increase the number of vehicle trips slightly on Saturdays. However, no adverse impacts are anticipated as a result of this small increase in vehicle trips. For these reasons, no mitigation of traffic impacts beyond the proposed transportation plan will be required.

Parking

The Land Use Code requires 33 parking spaces for the religious facility and 33 parking spaces are proposed including one barrier-free space. It is expected that families would travel to services together resulting in a higher occupancy per vehicle, fewer vehicle trips, and less parking demand. Some members live in the neighborhood and would walk to the temple. Bike racks would be available to encourage non-motorized transportation. Transit is readily available along Rainier Avenue South for the members who arrive by bus. Due to the small size of the proposed assembly building and congregation, the limited number of classes provided, and the existing modes of transportation used by members, no further mitigation of parking impacts will be required.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)c.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE AND SEPA

Prior to Issuance of the Master Use Permit

1. Provide a landscape planting and maintenance plan prepared by a licensed Landscape Architect to include additional trees along the west property line to the west of the assembly structure at a number sufficient to provide visual and noise screening. This plan shall be prepared in accordance with DR 13-92 and CAM 234. This plan shall be approved by DPD prior to issuance of the Master Use Permit.

For the Life of the Project

2. All landscaping on site shall be maintained for the life of the project.

Signature: _____ (signature on file) Date: March 30, 2006

Malli Anderson, Land Use Planner

Department of Design, Construction and Land Use

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